

ANTICIPATORY BAIL APPLICATION NO. 1006 OF 2023

Mr. Niranjana Mundargi i/b. Mr. Advait U. Shukla for the Applicants.
Mr. S.V. Gavand, APP for the State.

DATED : 06th APRIL, 2023.

. This is an Application filed by the aforesaid Applicants apprehending their arrest in C.R.No.117/2023 registered with Shivaji Park Police Station, Mumbai for offence punishable under section 384 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicants and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. It is stated that the Applicants are hawkers. The crime against the Applicants is registered pursuant to the FIR lodged by Vandana Dinesh Chougule, who is also one of the hawkers. The first informant

has alleged that since October, 2022 to 06/03/2023, the Applicants were demanding extortion amount from her and are threatening to close her business.

4. Learned counsel for the Applicants states that the Corporation had seized the goods of the Applicants some time in January, 2023. For that reason, the Applicants had been to the office of the Corporation. Learned counsel for the Applicants states that one local politician – Akshata Tendulkar entered the godown of Corporation and had an argument with the officers of the Corporation and prevented them from discharging their duties. It is stated that she had told some of the hawkers whose goods were seized, to take away their goods without paying any fine. It is stated that the officers of the Corporation had lodged the FIR against the said Akshata Tendulkar pursuant to which C.R.No.33/2023 has been registered against her. Learned counsel for the Applicants has placed on record several posts posted by said Akshata Tendulkar making several allegations against the Applicants herein, to the extent of calling them Bangladeshi.

5. Subsequent to the registration of C.R.No.33/2023, two crimes came to be registered against the Applicants on 08/03/2023 for similar

offences. The Applicants were granted bail by the learned Magistrate in C.R.No.109/2023 and the learned Magistrate refused to transfer the custody of the Applicants in the 2nd crime registered on the same date. Thereafter, a fresh crime has been registered against the Applicants. Prima facie, it appears that the Applicants are implicated in these cases in view of registration of C.R.No.33/2023.

6. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.117/2023 registered with Shivaji Park Police Station, Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer on 11th and 12th April, 2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicants shall not interfere with the Complainant and the other witnesses and shall not tamper

with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

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JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)